IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.577 OF 1993

Harjeet Kaur ...Appellant.

V/s

1. Ahmed Babajan Shaikh
and Ors. ...Respondents.

Harjeet Kaur, party in person present.

None for respondent Nos. 1 and 2.

Mr. A.S. Shitole, APP for the State

CORAM: V.M. KANADE, J.
DATE : 25TH FEBRUARY, 2005

P.C.

1. Heard the appellant who has appeared in person. None appears for respondent Nos. 1 and 2 though they are served.

2. Appellant is challenging the order passed by the Metropolitan Magistrate, 12th Court, Bandra, Bombay dated 21/7/1993. By the said order, the Metropolitan Magistrate was pleased to dismiss the complaint on the ground that the complainant had remained absent. The Order is, therefore, purportedly passed under section 256 of the Criminal Procedure Code. The appellant submits that the appellant had remained present in the Court on all days and only on the said date the complainant could not remain present.

3. In my view, the Trial Court ought to have heard and decided the complaint on merits. Sufficient cause has been shown by the appellant in the appeal memo. The order of dismissal of the complaint for want of prosecution is, therefore, set aside. The complaint is restored to the file. Metropolitan Magistrate, 12th Court, Bandra, Bombay is directed to decide the complaint on merits as expeditiously as possible.

Appeal is accordingly disposed of.

V.M. KANADE,J